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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/660,240 | 09/12/2000 | Tsuneo Sato | 0879-0274P | 6176 |

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BIRCH STEWART KOLASCH & BIRCH LLP
P O BOX 747
Falls Church, VA 22040-0747

EXAMINER

WORKU, NEGUSSIE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2626 | |

DATE MAILED: 08/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/660,240 | SATO, TSUNEO | |
| | Examiner | Art Unit | |
| | Negussie Worku | 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 1/01/01 .

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received. *JEROME GRANT II*

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. *PRIMARY EXAMINER*

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (0115277A1), in view of (JP 08184752).

With respect to claim 1, Watanabe et al. discloses an image transmitter (as shown in fig 1, see page 1, paragraph 0010), which transmits image data, (image scanned by scanner 7 of fig 1), the image transmitter (a network photograph system of fig 1, which transmit electronic mail), comprising: an image selecting device (computer display device of fig 5, see page 1, paragraph 0013, 00180), which selects at least one image to be transmitted, see (page 4, paragraph 0071); a data amount determining device be transmitted from images 32 of fig 5); a transmittability determining device (server 12 of fig 3) which determines whether or not it is possible to transmit all of image data of the selected image according to the amount of data in the selected image; and a control device (a personal computer 6a of fig 3) which transmits the image data if the transmittability determination device (server 12 of fig 3), determines that it is possible to transmit

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all of the image data, (image data displayed in display device of fig 5) and which prohibits the image data from being transmitted if the transmittability determination device determines that it is impossible to transmit all of the image data, see (page 4, paragraph 0070).

Watanabe et al. does not disclose a battery residual quantity determining device which determines a residual quantity of a battery powering the image transmitter;

Canon KK (JP08184752) discloses a battery residual quantity determining device (detector detects voltage or energy residual quantity of the battery) which determines a residual quantity of a battery powering the image transmitter, see (abstract lines 1-12).

Since Watanabe and JP Canon KK (JP08184752) are both directed toward at least having a an image pickup apparatus, the purpose of using a battery residual quantity determining device which determines a residual quantity of a battery powering the image transmitter, would have been recognized by Watanabe et al as specifically set forth by (JP08184752).

It would have been obvious to modify the photograph service system (fig 1) of Watanabe with detector the determine battery residual quantity of power of (JP08184752), for the purpose determine voltage or energy residual quantity of the battery, as specifically set forth by JP08184752).

With respect to claim 2, Watanabe et al. discloses the image transmitter (as shown in fig 1), further comprising a display device (screen of fig 5), which displays a message indicating that it is impossible to transmit all of the image data if the control device (server 2 of fig 5, control the transmittion of image) prohibits the image data from being transmitted.

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With respect to claim 3, Watanabe et al. discloses the image transmitter (as shown in fig 1), wherein the image data (image data generated by scanner 7 of fig 1), comprises an identification code (image code 23 of fig 3), and the image selecting device (PC 3 of fig 3) selects the image to be transmitted according to input of the identification code (23 of fig 3).

With respect to claim 4, Watanabe et al. disclose the image transmitter(as shown in fig 1), wherein the identification code (23 of fig 3) comprises at least one of the following: a manufacture identification code representing a manufacturer of an image input device (scanner 7 of fig 1), capturing the image (image data generated by scanner 7, of fig 1) a date identification code (23 of fig 3) representing one of a photographing date and an image file creation date of the image, and a model identification code representing a model of the image input device (7 of fig 1).

With respect to claim 5, Watanabe disclose the image transmitter (as shown in fig 3), wherein when a plurality of images are selected to be transmitted, (a plurality of images are displayed and selected by mouse from display screen of fig 5) if it is determined that it is impossible to transmit all of the image data, (image generated by scanner 7 of fig 1), the control device transmits only transmittable image data per image and prohibits the rest of image data from being transmitted.

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With respect to claim 6, Watanabe discloses the image transmitter (as shown in fig 4), wherein the image data comprises main image data and thumbnail image data, see (page 4, paragraph 0062), if the determination device (server 2 of fig 1), determines that it is impossible to transmit all of the main image data, the determination device further determines whether it is possible to transmit all of the thumbnail image data see (page 4, paragraph 0062); and if the determination device determines that it is impossible to transmit all of the main image data and that it is possible to transmit all of the thumbnail image data see (page 4, paragraph 0062), the control device transmits the thumbnail image data instead of the main image data.

2. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negus Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, *Kimberly Williams*, can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-5406, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

J. Grant II
JEROME GRANT II
PRIMARY EXAMINER

Negus Worku